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SUMMARY RECORD OF THE 45th MEETING

Chairman: Mr. TSHERING (Bhutan)

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ORGANIZATION OF WORK

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The meeting was called to order at 3.25 p.m.

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(d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/50/36)

(e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/50/36 and A/50/743)

1. Mr. LEE (Republic of Korea) said that the fiftieth anniversary of the United Nations had given the international community the opportunity to reaffirm its belief in fundamental human rights, which had been the mainstay of the Organization since its creation. Significant progress had been made in the elaboration of human rights standards, particularly with the adoption of the Vienna Declaration and Programme of Action in 1993. He deplored the continuing flagrant mass violations of human rights taking place throughout the world, and concluded that the protection and promotion of human rights was a long and exacting task which required the undivided attention and vigilance of all members of the international community, from United Nations bodies and national Governments to non-governmental organizations and individuals. Although the protection and promotion of fundamental rights were primarily the responsibility of Governments, as expressly stated in the Vienna Declaration and Programme of Action, cooperation between all human rights actors and the strengthening of

international coordination mechanisms were none the less of paramount importance.

2. Convinced that human rights were the cornerstone of democracy, peace and prosperity, his Government had made the promotion of democracy and human rights one of its principal national and international concerns, paying particular attention to the promotion of the rights of women and children through the adoption of legal and social measures.

3. At the international level, the Republic of Korea had hosted the third regional workshop on human rights questions for the Asia and Pacific region, a mechanism for regional cooperation the relevance of which had been recognized by the Commission on Human Rights in its resolution 1995/48. His delegation regretted that the fourth such workshop, which was scheduled to be held in December 1995, had had to be postponed. Given the lack of any official intergovernmental consultative body on human rights in the Asia and Pacific region and bearing in mind how useful such an arrangement could be, he hoped that the planned workshop would take place as soon as possible.

4. His delegation agreed with the United Nations High Commissioner for Human Rights that the protection of human rights was one of the major objectives embodied in the Charter of the United Nations and that it was closely linked to peace, security and development. He commended the United Nations High Commissioner for Human Rights on the programmes he had established to help countries to prevent and curb human rights violations in their territory; he would like to see the High Commissioner take a more active role in coordinating the efforts of individual countries and would also like human rights to be taken into account in United Nations activities in the field, such as peace-keeping operations or humanitarian programmes. His Government intended to help the High Commissioner in that task by continuing to contribute to the Voluntary Fund for Technical Cooperation in the Field of Human Rights. His delegation fully supported the current restructuring of the Centre for Human Rights, which it believed to be essential if the Centre was to be able to monitor human rights violations in the field effectively and to supply the international community with information on those violations, in coordination with the High Commissioner for Human Rights. He also paid tribute to the remarkable work done by the Special Rapporteurs and the independent experts who had the task of collecting information on human rights violations throughout the world. His delegation reaffirmed its willingness to contribute to the work of the Commission on Human Rights, of which it was a member.

5. His delegation was pleased that human rights questions had been taken up at the recent major international conferences. In fact, by recognizing the need for the equal status and fundamental rights of women to be taken into account in the mainstream of United Nations activities, those conferences had helped to advance the cause of human rights in general, regardless of gender. The decision of the Commission on Human Rights to appoint a Special Rapporteur on violence against women was significant in that respect.

6. On the question of so-called "comfort women" during the Second World War, his delegation unreservedly supported the decision on contemporary forms of slavery (decision 1994/109) taken in 1994 by the Subcommission and paid tribute

to the Special Rapporteur on those questions for his in-depth study on systematic rape, sexual slavery and practices related to slavery in wartime. It would continue to support all measures taken to avoid a repetition of such practices in the future.

7. In the light of the recent wave of discrimination against minority groups, which made the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/50/514) all the more relevant, his delegation believed that coordination of the activities of the United Nations should be encouraged and appropriately financed, as recommended in the report. It also urged the international community to be doubly vigilant, and welcomed the creation of the Working Group on Minorities.

8. Noting that there had been a significant increase in the number of ratifications of the Convention on the Rights of the Child, he said that every effort should be made to achieve universal ratification of outstanding international human rights instruments because protection of human rights required strong human rights instruments. His Government had acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Labour Organization (ILO) Human Resource Development Convention.

9. Referring to the very important role played by non-governmental organizations in the protection and promotion of human rights, he said that, given their unprecedented contribution to the human rights movement and especially to the development of standards in that area, they should be given greater recognition by the international community.

10. Mr. THEIN TIN (Myanmar) commended the Secretary-General on his report on the situation of human rights in Myanmar (A/50/782), which, with a few exceptions, was a fair and balanced assessment of the positive developments, as well as of what, in the Secretary-General's opinion, still needed to be done in that area. He had, however, been struck by the selectivity and the lack of objectivity and balance that characterized the interim report of the Special Rapporteur on the situation of human rights in Myanmar (A/50/568) and by his statement to the Committee on 27 November 1995. That imbalance was due to the fact that, in his report, the Special Rapporteur had given prominence to allegations of violations of human rights by the Government of Myanmar, only mentioning the Government's responses at the end of his report, in a less prominent position. The Special Rapporteur should have followed the example of the Secretary-General's more balanced report, which gave the point of view of the Government of Myanmar immediately after each allegation, thus giving a fairer reflection of the real situation in the country.

11. Responding to allegations that the armed forces of Myanmar had committed unseemly acts in border areas, he rejected them and insisted that the local population in those areas was experiencing unprecedented levels of progress in the political, economic and social fields and that the armed forces of Myanmar, which had a distinguished history and a fine tradition born of the struggle for independence, were well known for their good discipline and exemplary conduct. It had never been the policy of the Government of Myanmar to condone or connive

at violations of human rights. On the contrary, it had always defended those rights and, when excesses had occurred, those responsible had always been prosecuted and punished, as it had informed the Special Rapporteur in several cases. He found it surprising, therefore, that that information was lacking in the Special Rapporteur's current report, which tended to give a false impression of the armed forces of Myanmar. As for the treatment of women, and contrary to what had been reported by the Special Rapporteur, women in Myanmar enjoyed equal rights with men, including full political, social, economic and civil rights. They had had the right to vote for some 90 years, and they had far more extensive marital rights and rights to inherit their husband's property than the women of many other countries.

12. Myanmar was undergoing a rapid transition to a multi-party democratic system and a market-oriented economy, and its people were living in a climate of stability, peace, prosperity and harmony unprecedented since independence. That progress refuted the statement by the representative of the United States of America who, in her statement to the Committee on 28 November, had maintained that Myanmar was a country where the status quo prevailed. The National Convention, which was currently in session in Yangon, was continuing its work on a draft national constitution. The process of national reconciliation was bearing fruit because since 15 of the 16 existing armed groups had returned to the legal fold and were cooperating with the Government in the development of their regions. Long neglected border areas were also undergoing development unprecedented since independence thanks to a $400 million priority programme launched in 1989. The Government was also energetically and effectively implementing measures to combat the menace of illicit drug trafficking and was cooperating at the subregional level with other countries of the region and the United Nations International Drug Control Programme (UNDCP). At the national level, many prisoners had been released, and the restrictions on Daw Aung San Suu Kyi had been lifted. At the international level, Myanmar enjoyed friendly relations with all countries in a spirit of peaceful coexistence. In 1995, it had acceded to the Treaty of Amity and Cooperation in South-East Asia and it hoped one day to become a member of the Association of South-East Asian Nations (ASEAN). Such significant progress in political, economic and social conditions was contributing to an unprecedented quality of life for the entire population of Myanmar and not merely for the privileged few, as alleged by some critics.

13. His Government was determined to continue along the path of socio-economic development, national reconciliation, democratization and the promotion and protection of human rights. The international community could do no better than to encourage it and help it to attain its goals.

14. Mrs. TOLLE (Kenya) expressed her satisfaction that human rights had become an increasingly important political, cultural and economic issue that would feature prominently on the international scene in the years to come. She stressed that States, the United Nations, intergovernmental bodies, non-governmental organizations and individuals were the main actors in the field of human rights responsible for the protection and promotion of those rights, without any distinction. She welcomed the fact that human rights had become one of the major concerns of the United Nations, culminating in the adoption of the Vienna Declaration and Programme of Action in 1993. Her delegation reaffirmed

its solemn commitment to fulfil its obligations to promote universal respect, observance and protection of all human rights and fundamental freedoms in accordance with the existing international human rights instruments. Her Government had always appreciated and supported the efforts of the United Nations undertaken in accordance with those instruments. It was convinced that the purpose of the administration of justice in human rights must be to strengthen the national and regional capacities of Member States and thereby enable them to protect and promote human rights more effectively in their countries. To achieve that objective, financial, technical and material support must be extended to those developing countries which lacked resources, especially African countries like Kenya, as well as to those United Nations bodies which were directly concerned with human rights questions.

15. Her delegation firmly believed that the establishment of the post of United Nations High Commissioner for Human Rights, pursuant to General Assembly resolution 48/141, had been one of the most significant steps taken in the field of human rights since the adoption of the Vienna Declaration and Programme of Action in 1993, because it emphasized the universality, indivisibility and interdependence of all those rights. She commended the High Commissioner on the pragmatism and effectiveness with which he had discharged his duties since taking office, without losing sight of the fact that all peoples must achieve sustainable and balanced development. His very useful visits to Burundi and Rwanda, as well as to other countries, and the action he had taken to deal with human rights violations in various regions of the world had confirmed the view that human rights violations were taking place in both developing and developed countries alike.

16. The recognition of the right to development as one of the fundamental rights within the competence of the High Commissioner for Human Rights was of particular interest to developing countries. Her delegation therefore called upon the High Commissioner to assist in discouraging the stubborn and protectionist attitude of some countries which were still sceptical about the merits and legality of the Declaration on the Right to Development and, to that end, to assist the Working Group on the Right to Development to identify the obstacles which were preventing all States from exercising their right to development, and to recommend ways of overcoming those obstacles. She hoped that the mandate of the Working Group would be extended to achieve those goals. She also hoped that the High Commissioner would be provided with the human, financial and material resources he needed to carry out fully and in a timely manner the responsibilities entrusted to him in the area of human rights and to strengthen the Centre for Human Rights.

17. Regarding gender inequalities, his delegation supported the recommendation in the Vienna Declaration and Programme of Action, which had also been endorsed in the Beijing Declaration and Platform for Action, that the equal status of women and the human rights of women and the girl child should be integrated into the mechanism of United Nations system-wide activities. Kenya was a signatory of the Convention on the Elimination of All Forms of Discrimination against Women and was committed to ensuring the integration of gender concerns and issues into its national policies and programmes for sustainable development and the strengthening of related mechanisms. His delegation called for transparent communication, consultation, cooperation and coordination between United Nations

bodies dealing with human rights and social and economic development and between those bodies and Governments. Strengthening of United Nations activities to promote and protect human rights should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political gains. The United Nations should therefore reject the use of human rights as a political weapon in the areas of foreign policy and development cooperation.

18. Mr. AL-DOURI (Iraq), speaking on agenda item 112 (c), said that Iraq had taken a number of steps to improve its human rights record (referendum on the President of the Republic, general amnesty for all Iraqi prisoners, parliamentary elections to be held in February 1996 and introduction of a multiparty system).

19. Iraq had repeatedly stated that a responsive environment and suitable economic and political conditions were essential to guarantee fundamental rights of the individual, which were the pillar of the Iraqi political and constitutional system. In recent years, the United Nations mechanism had been used to impose comprehensive economic sanctions on several countries, and particularly on Iraq, without the least regard for the catastrophic effects of such sanctions on the basic rights of the peoples of those countries, particularly the right to food, medical services, education and work. In his report to the fiftieth session of the General Assembly, the Secretary-General had stated that the lives of millions of Iraqis were threatened by hunger, which had not deterred the Power that currently dominated the world from deliberately ignoring the humanitarian and legal aspects of such threats or from using the pretext of human rights to serve its political purposes and seeking to overthrow the current legitimate Government of Iraq. Respect for democracy in international relations would have positive repercussions for human rights, whereas the authoritarianism exerted by one or several countries on the activities of international organizations and, consequently, world affairs as a whole, must necessarily lead to the predominance of the interests of those countries at the expense of the majority.

20. The Special Rapporteur's report on the situation of human rights in Iraq (A/50/734) clearly demonstrated that the United Nations was experiencing a credibility crisis as a result of the exploitation of its agencies and mechanisms to serve the narrow interests of some countries, as had been reflected in the discussions of the fiftieth session of the General Assembly. The exploitation of human rights issues to achieve political purposes was clearly manifested in the current report of the Special Rapporteur, as it had been in previous ones, in a manner that was an affront to the Organization's credibility, the loftiness of all human rights principles and even the personality of the Special Rapporteur himself. The Special Rapporteur had become a prisoner to his political position regarding Iraq and refused to acknowledge the consequences of military intervention and the effects of sanctions on the basic human rights situation in Iraq. At the same time, he disdained any initiative taken by the Iraqi Government to improve that situation and sought to distort Iraq's reputation, as was clear from his statement to the Third Committee on 24 November 1995. Pending a detailed response to be sent by the Iraqi Government to the Centre for Human Rights, his delegation wished to deal with the main allegations contained in the report.

21. First, the Special Rapporteur had refused to discuss the effects of sanctions on the Iraqi people, on the pretext that the matter fell outside the mandate of his mission and was a matter for the Security Council, despite the fact that all relevant international agencies had recognized that the sanctions adversely affected the humanitarian situation of the Iraqi people. None the less, the Special Rapporteur had asked the Iraqi Government to accept Council resolutions 706 (1991), 712 (1991) and 986 (1995) without any reference to the fact that those resolutions contained humiliating and degrading conditions that interfered with the sovereign rights of the Iraqi people, and had thus left the Iraqi Government with no choice but to reject them, particularly Council resolution 986 (1995), which placed the whole country under the trusteeship of the United Nations and the dominating Powers. Had the Special Rapporteur behaved in a neutral or objective manner, he would have called, without any hesitation and for purely humanitarian, legal and moral reasons, for the lifting of sanctions, at least in part on the grounds that human rights must be respected not only by individual countries but also by international organizations, particularly the Security Council.

22. Secondly, all amnesty decrees were of a humanitarian nature and should therefore be encouraged. However, the Special Rapporteur indulged in an abstract political and legal analysis based on presumptions, allegations and misinformation with a view to emptying those decrees of their noble humanitarian content, seeking ways to exaggerate any shortcoming or weakness, presumed or real, in order to undermine the position of Iraq, thereby rendering his conclusions untrustworthy. The Special Rapporteur criticized the decrees because they did not abrogate any of the provisions that dealt with crimes and criminal activities, despite the fact that abrogating provisions and granting amnesty were two different things. Moreover, the severity of some of the legal provisions had merely been a response to extraordinary conditions, since the hunger and unemployment caused by the sanctions had led to an increase in the crime rate, which the State was obliged to counter in order to meet its responsibilities towards society. Those rules would certainly be abrogated once the sanctions were lifted.

23. The Special Rapporteur incorrectly claimed that the decrees did not apply to non-Iraqi offenders, since all convicted persons had been released regardless of their nationality. The Special Rapporteur had deliberately ignored the psychological and educational implications of the requirement that released persons memorize one text from the Koran about crime and criminals, and disregarded the fact that that measure was practised by many Islamic countries.

24. In particular, the Special Rapporteur criticized the provision of decrees that required the relatives of prisoners to ensure their good conduct, and had not specified that the provision involved detainees under 18 years of age, who were considered children under the Convention on the Rights of the Child.

25. With regard to the paragraph devoted to testimonies of former prisoners, his delegation would merely say that the Special Rapporteur had used information gathered during his missions to Kuwait and Lebanon.

26. Thirdly, the Special Rapporteur had stated that the massive participation of the population in the referendum had been dictated by fear and had made

reference to a law which had no relation to the referendum whatsoever. Instead of accepting incorrect information, the Special Rapporteur, before making his judgement, should have familiarized himself with the reports of the many representatives of States and non-governmental organizations who had attended the referendum. In any event, however strong a party might be, it could hardly force a complete society to participate in a referendum against its will. The massive participation of the people in the referendum was an expression of the free will of the Iraqi citizens to preserve their dignity and challenge all who wished to humiliate them and replace their national Government by force.

27. The Special Rapporteur had cast doubt on the validity and legitimacy of the process of identifying and listing voters by voting districts and checking the identify cards of those voters before they were allowed to cast their votes, although that was the procedure adopted by all countries which followed democratic principles.

28. Fourthly, the Special Rapporteur had insisted on raising the issue of missing Kuwaitis, although the Security Council had mandated the International Committee of the Red Cross (ICRC) to deal with that humanitarian issue. Under the supervision of ICRC, Iraq had already repatriated all prisoners of war, both Kuwaitis and non-Kuwaitis, and since 1991 had been continuing to investigate the fate of the missing persons. The Tripartite Committee and the Technical Subcommittee headed by ICRC had proved that the Government of Iraq was cooperating fully with them in line with international standards and rules.

29. Finally, the Special Rapporteur had been wrong to think that the Government of Iraq bore a personal grudge against him. On the other hand, it was true that his hostile and arrogant attitude towards Iraq and the undiplomatic expressions he had used in his statements and reports showed that he was neither objective nor neutral, and that had led Iraq to wonder about the standards according to which Special Rapporteurs were selected.

30. Mrs. TAY (Togo) said that her country, which was assiduously engaged in ensuring the effective enjoyment of human rights within its territory, had in 1995 organized national meetings to improve the operation of the judicial system by guaranteeing its independence with respect to the other powers.

31. Turning to the report of the United Nations High Commissioner for Human Rights (A/50/36), she said her delegation was pleased to note that, as the Commission on Human Rights had stated, the situation of human rights in Togo had improved and that it had been agreed, as the Government of Togo had requested that the Centre for Human Rights should send an evaluation mission to the country to draw up a technical assistance programme to strengthen the structures for the promotion and protection of human rights in Togo within the framework of the Centre's programme of advisory services and technical assistance.

32. Her delegation welcomed the proclamation of the United Nations Decade for Human Rights Education for the period 1995-2004, and commended the initiatives taken by the High Commissioner to mobilize public opinion in support of the Decade. In that connection, her delegation wished to underline that it fully subscribed to the proposal of the Commission on Human Rights regarding the

establishment of a national coordination centre for education adapted to the specific realities of each country in the area of human rights.

33. Of the initiatives taken by the High Commissioner, her delegation wished to mention, in particular, the machinery established in respect of special procedures, monitoring organs and non-governmental organizations, and especially the dialogue with Governments, since it considered that direct contacts with senior officials of Member States could only promote a better understanding of local realities and a fair appreciation of the development of the situation regarding human rights in Member States. Togo would warmly welcome a visit from the United Nations High Commissioner for Human Rights, who had already received an invitation from the Government.

34. In order for the High Commissioner to be able to take the emergency measures required rapidly and carry out the mandate entrusted to him by the General Assembly - and thus ensure the credibility of the United Nations human rights machinery - it was imperative that he should have at his disposal the financial, human and material resources without which it would be impossible for him to provide adequate assistance to Member States.

35. The promotion of democracy, the strengthening of the protection of human rights and economic and social development formed an interdependent whole, as the World Conference on Human Rights had already stated; democracy opened the way for the promotion and protection of fundamental freedoms but was able to sustain and consolidate itself only if it was able to respond to the individual and collective needs of citizens. In that connection, it should be underlined that the protection and international promotion of human rights would be effective only if they were based on the principle of the indivisibility and equal value of all human rights (civil, cultural, economic, political and social). In order to avoid democracy being perceived as a factor in weakening and destabilizing young States which had embarked on that path, it was essential, especially at a time when bilateral and multilateral aid were dwindling, for the international community to support countries in transition, to grant them the necessary financial assistance to enable them to progress towards peace and stability, and to assist young States to discharge fully the obligations incumbent upon them by virtue of the human rights instruments, particularly with regard to the attainment of economic, social and cultural rights.

36. Her delegation had noted with interest the section of the report devoted to the restructuring of the United Nations Centre for Human Rights, and hoped that, when it came to recruiting staff, the principle of the equitable distribution of posts between regions and Member States would be scrupulously respected.

37. Referring to paragraph 25 of the report concerning communications in which individuals or non-governmental organizations reported human rights violations, she said that her delegation insisted on the need to make judicious use of those procedures in order to avoid giving free rein to partisan judgements, and considered that, in order to preserve the credibility of the United Nations, the Organization should make every effort to prevent the machinery and procedures from being exploited for unacknowledged purposes.

38. Mr. ALAEE (Islamic Republic of Iran), speaking on subitems (d) and (e) of agenda item 112, said that the notion of the universality of human rights should not be interpreted in an abstract way. The laws relating to human rights derived their legitimacy from the cultural diversity that existed in the world. To impose an abstract interpretation of human rights would be tantamount to limiting the implementation of human rights instruments to a small part of the international community. The only way to guarantee the practical implementation of the instruments by all Member States was to permit a broad interpretation of them, taking account of the characteristics of each region and the diversity of the historical, religious and cultural contexts. The High Commissioner for Human Rights should study the technical aspects of the question and recommend procedures to permit respect for cultural diversity and historical and religious differences.

39. If United Nations human rights programmes were to be implemented effectively, procedures should be rationalized and simplified on a system-wide basis and cooperation and coordination should be improved. His delegation therefore welcomed the High Commissioner's initiative in proceeding to carry out structural reforms in the Centre for Human Rights and in establishing a plan of action for the implementation of the Vienna Declaration and for the provision of adequate human and financial resources. That process should be extended to other procedures and organs in the field of human rights.

40. With regard to respect for the fundamental rights and freedoms of women, the international community, including the United Nations system and non-governmental organizations, should endeavour to maintain the dignity of the human person, and of women in particular. The dignity of women was being threatened by what could only be described as contemporary forms of slavery, such as prostitution, pornography, abortion and the development of the sex industry, which had reduced women to the status of commercial sex objects. The international community should respond by taking practical measures to deal with that alarming situation. It was equally important not to neglect other issues which the High Commissioner had raised in his report, such as the elimination of discrimination, xenophobia and intolerance, the problems of minorities and the right to development.

41. Mr. MARUYAMA (Japan) said that one of the greatest achievements of the United Nations system had been the adoption of the principal international human rights instruments such as the Universal Declaration of Human Rights, and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, both of which Japan had ratified in 1979. In order to avoid unnecessary duplication, however, it was important that there should be adequate preparation prior to the adoption of each new instrument. While his delegation welcomed the efforts made by the bodies created pursuant to international instruments and by the Secretary-General to simplify the reporting procedures, one of the main problems with those bodies was that their work had been delayed because of the backlog of overdue reports. It was to be hoped therefore that those States which requested it would receive help in the form of advisory services and technical assistance, in order to be able to meet their obligations and complete the ratification process. In that connection, he announced that the House of Representatives of Japan had recently ratified the International Convention on the Elimination of

All Forms of Racial Discrimination and that the House of Counsellors would probably also ratify it during the current session. That would pave the way for Japan to depose the instruments of ratification in the near future.

42. International cooperation and improved cooperation and coordination within the United Nations system were essential to the promotion and protection of human rights. All States should fulfil their obligations to promote and protect human rights by making them an absolute priority. The fact that concern was expressed over grave violations of human rights and that a State was encouraged to remedy the situation should not be regarded as interference in that State's internal affairs. His delegation believed that the Centre for Human Rights should make greater use of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

43. There were no regional human rights organizations in the Asia-Pacific region. His delegation therefore called upon all Asian countries to cooperate closely on human rights issues. The Japanese Ministry of Foreign Affairs had jointly sponsored the Symposium on Human Rights in the Asia-Pacific region in July 1995, with the United Nations University, and it was planning to organize other such seminars.

44. As violations of civil, economic and social rights persisted in many countries, Japan intended to continue to express its concern over the situation in Afghanistan, Iran, Iraq, Cuba, the Sudan, Rwanda, Nigeria, Myanmar, and the former Yugoslavia. It believed that the ultimate aim of discussions in the General Assembly and the Commission on Human Rights was to remedy difficult situations: every resolution adopted by those bodies should therefore accurately reflect those situations and balance criticism with acknowledgement of any positive action that might have been taken. His delegation supported the sending of Special Rapporteurs and independent experts on fact-finding missions to investigate alleged violations of human rights, and urged the countries concerned to cooperate with the members of those missions.

45. He commended the United Nations High Commissioner for Human Rights for his efforts to prevent human rights violations, to coordinate activities and to establish a dialogue with all Governments. The structure and organization of the current mechanisms such as the Office of the High Commissioner for Human Rights and the Centre for Human Rights should, however, be strengthened, and they should be provided with the funding and personnel they needed to carry out their tasks.

46. Mr. AITMATOV (Kyrgyzstan) said that the evolution of the concept of human rights towards a broader approach which included economic, social and cultural rights and the right to development had created a broader basis for international cooperation and provided the means to address the roots of problems. His delegation believed that the Vienna Declaration and Programme of Action offered an acceptable framework for the promotion of dialogue and cooperation in that area.

47. His delegation also supported the efforts of the High Commissioner for Human Rights, who, as the system-wide coordinator of activities relating to

human rights, development and democracy, had a key role to play in promoting dialogue.

48. Although considerable progress had been made, human rights violations persisted in several parts of the world, particularly in conflict-torn regions. His delegation believed that international cooperation should be enhanced and it was ready to work with the international community to that end.

49. The Constitution and legislation of Kyrgyzstan had incorporated the principles contained in the international human rights instruments to which the country had acceded.

50. As a new democracy, Kyrgyzstan had already made progress in maintaining human rights and fundamental freedoms. The vital issue for the country's future was the creation of a political culture of tolerance, with the emphasis on inter-ethnic relations. It was in that spirit that the Assembly of People's Representatives of Kyrgyzstan had been created in order to protect the rights of the numerous communities which made up the nation.

51. Since failure to respect human rights was a source of political instability, social unrest and internal conflicts, Kyrgyzstan believed that protection of those rights was a key element of the political and economic reforms being carried out in the country.

52. Democracy was still fragile in Kyrgyzstan and close cooperation with the United Nations system was essential both to create the human rights infrastructure and to establish the rule of law to strengthen it. To that end, Kyrgyzstan was participating in a number of programmes carried out by United Nations agencies and other international organizations.

53. His delegation wished to thank the United Nations for the assistance it had provided in connection with the parliamentary elections in February 1995, and for the assistance being provided in connection with the presidential elections to be held on 24 December 1995.

54. Mr. JALLOW (Gambia) said that the world was now experiencing various tragedies which had invariably led to more frequent human rights violations. On the other hand, it was gratifying to note that the existing instruments and their implementation by the international community had made it possible for people to acquire a better understanding and appreciation of human rights and fundamental freedoms. In that connection, however, it was regrettable that certain States had not yet ratified those international instruments, notably the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, thus limiting their full implementation.

55. The effective implementation of international human rights instruments had also been impeded by the failure of some Governments to publish and distribute them locally.

56. Inadequate financial and human resources, coupled with the increased workload, had largely limited the capability of United Nations bodies to

discharge their monitoring functions pursuant to General Assembly resolution 37/44.

57. His delegation believed that the United Nations Centre for Human Rights played a critical part within the Organization in the promotion and protection of human rights and fundamental freedoms and that it should be provided with adequate financial and human resources. A strengthened Centre could not only mobilize public awareness but also provide vital assistance to Governments and non-governmental organizations in the field of advisory services and training with a view to facilitating implementation and understanding of human rights instruments at the national level.

58. The establishment and operation of regional human rights centres would depend largely on the type of assistance received from the Centre, and on the establishment of close working ties.

59. The holding of free and fair elections served as a barometer in determining implementation of the principles of democracy. Through its Electoral Assistance Division, the United Nations, pursuant to General Assembly resolution 49/190, provided assistance to all countries upon their request. It was noticeable, however, that the Division had recently experienced difficulty in meeting all such requests promptly, the Gambia being a case in point.

60. The Declaration on the Right to Development contained in General Assembly resolution 41/28 was of particular relevance to developing countries, as was the Working Group on the Right to Development, which was composed of Government experts. However, efforts aimed at achieving consensus on the right to development had failed, owing to problems arising from the implementation of the Declaration, the definition of the criteria used to identify progress and the mechanisms for evaluating such progress, together with the difficult socio-economic situation in the developing countries.

61. The Vienna Declaration and Programme of Action had reaffirmed that the right to development was a universal and inalienable right, and an integral part of fundamental human rights. The international community should therefore make greater efforts to ensure the more effective implementation of that right.

62. In spite of everything, the Gambia had always been a champion of human rights. Its return to democratic civilian rule was scheduled for July 1996. He drew attention to the fact that the Gambia had hosted both the African Commission on Human and People's Rights and the African Centre for Democracy and Human Rights Studies. His Government had also donated one million dalasis to the latter to help strengthen its activities. The Centre had organized an international workshop for the military, where it had been pointed out that the latter had a prominent role to play in the promotion and protection of the rights of peoples and citizens in times of peace and war.

63. Freedom of the press, freedom of speech and freedom of movement continued to apply in the Gambia, as did the rule of law. There were no political prisoners, and an atmosphere of peace, progress and tranquillity had reigned since the takeover.

64. His Government had launched a programme of rectification and transition to democratic civilian rule in July 1996. To help implement it, various programmes and institutions had been established, such as a constitution review commission, an electoral and boundaries review commission and a mass education and public awareness task force.

65. He pointed out that the Gambia had acceded to various human rights instruments and that it was particularly interested in the rights of women and children, who were among the most vulnerable groups.

66. In a world beset by human rights violations, the guarantee and exercise of human rights and fundamental freedoms was a collective responsibility.

67. Mrs. OLSZOWSKA (United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that, since its establishment, the primary objective of the United Nations Educational, Scientific and Cultural Organization (UNESCO) under the terms of its mandate had been to promote respect for human rights and fundamental freedoms in the spirit of the Universal Declaration of Human Rights. In the present context, the realization of that objective would require concerted action on the part of all actors, in particular the United Nations system. Being responsible for the system-wide coordination of activities in that field, the High Commissioner for Human Rights had signed official cooperation agreements with UNESCO, such as the Memorandum of Understanding (October 1995) for implementation of the Programme of Action adopted at the Vienna Conference. Another aim of the Memorandum was to protect the rights of intellectuals, who, by the very nature of their profession, were subjected to various forms of discrimination, and towards whom UNESCO had a special responsibility. The Memorandum also provided for cooperation among the interested parties in the domain of normative action and the elaboration of strategies for the right to education, the right to development and cultural rights, as well as for cooperation in the field of research and the organization of regional and subregional consultations on training and advisory services. UNESCO and the United Nations would jointly organize events such as the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 and a world conference on the elimination of racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, scheduled for 1997. The protection of rights in the UNESCO field of competence underlay fundamental questions that included the consolidation of peace and democracy. Accordingly, following the Montreal Congress on Human Rights and Democracy, the Executive Board of UNESCO had decided to establish a consultative committee for education, peace, human rights and democracy that would be mainly concerned with concretizing the results of the Montreal Congress and the Vienna Conference. UNESCO had also adopted an educational interdisciplinary project, entitled "Towards a Culture of Peace", that was fully convergent with the Plan of Action for the United Nations Decade for Human Rights Education. At its twentieth session, the General Conference of UNESCO had repeatedly highlighted the importance of the organic link between human rights and international humanitarian law and stressed that the international community should lay more emphasis on that aspect. The teaching of human rights should be concerned with the protection of human beings in times of armed conflict and should therefore include instruction in international humanitarian law. That link had been reaffirmed by the Vienna Declaration and the UNESCO Medium-Term Strategy (1996-

2001), which encouraged exchanges of views in the field of humanitarian assistance. UNESCO would continue to mobilize its energies towards making its contribution in that field.

68. Ms. FENG Cui (China), speaking in exercise of the right of reply, said that the representatives of the United States and the European Union had attacked the Chinese Government in their statements and made unfounded allegations, interfering in China's internal affairs, maligning its judicial system and claiming that China practised torture, misused the death sentence and restricted freedom of speech. The human rights issue was being used yet again as a pretext for putting political pressure on China to impede its development and to force its people to abandon the social system and mode of development for which it had opted. The case of Wei Jingshen, mentioned in the statements of the United States and the European Union, had nothing to do with human rights inasmuch as he had been arrested, in due legal form, for engaging in activities that were designed to overthrow the Chinese Government and that infringed the country's criminal law. The matter was therefore clearly an internal Chinese affair in which no country had the right to interfere.

69. With regard to Tibet, her delegation noted that it had formed an integral part of China since the thirteenth century and that the Tibetan people had assumed control of their country in 1959, the year in which China had abolished serfdom and introduced democratic reforms in Tibet. In the past 30 years, the country's economy had developed and the standard of living had risen. Tibet's culture, traditions and religious beliefs were respected, a fact amply attested by the central Government's expenditure of 1 billion yuan renminbi on the restoration of the palace of Potala. Chinese policy on ethnic minorities was well received by all nationalities, including the Tibetans. The real intention of the United States and the European Union when they repeated that China violated human rights in Tibet was to undermine China's national unity and to support the activities of the Dalai Lama clique that was seeking to partition the country. Her delegation stressed that all attempts to separate China from Tibet were doomed to failure.

70. Yet again, the United States and the European Union had arrogated to themselves the role of judge in the field of human rights, believing that their slander afforded proof of the superiority of their civilization, whereas diverse violations perpetrated in their own societies (xenophobia, racial discrimination, large numbers of homeless people) were ignored. Politicization and selectiveness prevailed in the area of human rights, maintaining a climate of confrontation that impeded cooperation on human rights. China would never allow the major Powers to interfere in its internal affairs on the pretext of protecting human rights.

AGENDA ITEM 110: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued) (A/C.3/50/L.28 and L.31)

Draft resolution A/C.3/50/L.28: "The rights of the child"

71. Mr. RÖNQUIST (Sweden), introducing draft resolution A/C.3/50/L.28 on behalf of the sponsors, who had been joined by Andorra, Burkina Faso, Canada, Croatia, Marshall Islands, Federated States of Micronesia, Monaco and Poland, drew the

Committee's attention to the following amendments: the word "requires" in the first line of the sixth preambular paragraph should be deleted and replaced by "states"; in the seventeenth preambular paragraph, the words "especially in poverty-stricken areas" should be inserted after "children from an early age"; the entire nineteenth preambular paragraph should be replaced by the following text: "Encouraged by measures taken by Governments to eradicate economic exploitation of child labour". As Tonga had acceded to the Convention on the Rights of the Child, "180" should be replaced by "181" in operative paragraph 1. The words "to make recommendations" in the second last line of operative paragraph 22 should be deleted. He noted that in 1994 the Third Committee had adopted four resolutions on children's rights. A group of delegations had decided to attempt to amalgamate them in a single resolution. Argentina, Brazil, Cuba, Luxembourg, Mexico, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay had prepared a preliminary draft resolution of general scope. Delegations had reacted positively to the proposal, as shown by the large number of sponsors, including all the members of the Group of Latin American and Caribbean States and of the European Union. With a view to rationalizing the work of the Committee and of the Secretariat, the Secretary-General would be invited to prepare a comprehensive report on all questions raised by the draft resolution, which included for the first time the elimination of exploitation of child labour.

72. Mrs. LIMJUCO (Philippines) said that her delegation wished to join the list of sponsors.

73. The CHAIRMAN said that Angola, Bulgaria, Gambia, Ghana, Guinea, Kenya, Mozambique, Niger, Nigeria, Papua New Guinea and Russian Federation also wished to become sponsors of the draft resolution.

Draft resolution A/C.3/50/L.31: "The girl child"

74. The CHAIRMAN announced that the draft resolution was to be reissued for technical reasons and would therefore be introduced at a later stage.

AGENDA ITEM 111: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLES (continued) (A/C.3/50/L.29 and L.30)

Draft resolution A/C.3/50/L.29: "United Nations Voluntary Fund for Indigenous Populations"

75. Ms. NEWELL (Secretary) read out two corrections to be made to the text of the draft resolution: the term "United Nations declaration on the rights of indigenous peoples" in the second preambular paragraph of the English version should be placed in inverted commas, and the words "in its resolution 1995/32" in the second last line of operative paragraph 1 should be replaced by the words "on 25 July 1995".

76. Mr. WILLIS (Australia) introduced draft resolution A/C.3/50/L.29 on behalf of its sponsors, who had been joined by Costa Rica, Fiji, Luxembourg and Norway. The purpose of the draft resolution was to enable the United Nations Voluntary Fund for Indigenous Populations to be used to help representatives of indigenous communities and organizations to participate in the deliberations of the Open-

ended Inter-sessional Working Group of the Commission on Human Rights, which was responsible for preparing a draft declaration on the rights of indigenous peoples. The Working Group was currently holding its first session in Geneva, and the involvement of representatives of indigenous communities was vital for the credibility of its work.

Draft resolution A/C.3/50/L.30: "Programme of activities for the International Decade for the World's Indigenous Peoples"

77. Mr. WILLIS (Australia) introduced draft resolution A/C.3/50/L.30 on behalf of its sponsors, who had been joined by Antigua and Barbuda, Colombia, Costa Rica, Fiji, Greece, Guyana, Iceland, Luxembourg, Norway and Sweden. The draft resolution was the result of lengthy consultations during which two amendments had been adopted. First, the adjective "national" in paragraph 4 of the annex should be replaced by "political". Secondly, the adjective "adequate" in paragraph 50 of the annex should be replaced by "appropriate". Consultations were continuing on paragraph 53.

78. The draft resolution contained a programme of activities in the annex. It also contained provisions for the review and updating of the programme throughout the Decade and recommended that the Economic and Social Council and the General Assembly should undertake a mid-term review of the Decade. The adoption by the General Assembly of a declaration on the rights of indigenous peoples was a major objective of the Decade. Another objective was the possible establishment of a permanent forum for indigenous peoples in the United Nations system. The draft resolution also provided for coordination of activities within the system and stressed the importance of international cooperation and action at country level to achieve the aims of the Decade.

ORGANIZATION OF WORK

79. The CHAIRMAN informed the members of the Committee of the outcome of his meeting with the President of the General Assembly on 29 November. The President had stated that although he was aware of the difficulties that were hampering the work of the Third Committee, the plenary must receive the Committee's report by 11 December in order to conclude its discussions. It was therefore essential for the members of the Committee to respect the deadline of 4 December for submission of draft proposals under items 112 and 165 since there was no possibility of an extension.

The meeting rose at 6.15 p.m.